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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,778	12/22/2000	Petter Ericson	3782-0184P	1420
2292 7590 08/14/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
XIAO, KE				
ART UNIT		PAPER NUMBER		
2629				
NOTIFICATION DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

09/746,778

**Applicant(s)**

ERICSON, PETTER

**Examiner**

Ke Xiao

**Art Unit**

2629

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-16, 18-25 and 45-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-16 and 61-63 is/are allowed.
- 6) ☒ Claim(s) 18-25 and 45-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Page No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Specification*

The amendment filed August 29<sup>th</sup> 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

"In other words, a computer-readable medium encoded with a computer program includes instructions for causing a computer to determine, in response to the receipt of information which contains at least one position on an imaginary surface, to which region on the imaginary surface the position or positions belong, and to determine from the region affiliation how the information is to be managed".

Applicant is required to cancel the new matter in the reply to this Office Action.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 18-25 and 45-60** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marc Dymetman and Max Copperman, Intelligent Paper (herein referred to as Dymetman).

Regarding **Claim 18**, Dymetman teaches a central unit for information management (Dymetman, pg. 392-393), comprising:

a memory storing particulars about a plurality of regions, each region corresponding to an area on a two dimensional coordinate reference, (Dymetman, pg. 393-394, central unit stores information regarding each piece of intelligent paper and any associating rules or data for each piece of intelligent paper including each area of each intelligent paper), wherein the two dimensional coordinate reference represents physical positions in a unique and continuous manner, and the two dimensional coordinate reference represents a physical area which is incapable of being present in its entirety on any single base (Dymetman, pg. 396-397, each piece of intelligent paper is a two dimensional coordinate reference which in a unique and continuous manner represents the physical area [Europe] which is incapable of being present in its entirety on any single base),

and the memory further containing instructions for determining, in response to the receipt of information which contains at least one position on the two dimensional coordinate reference, to which region the at least one position belongs, and determining how the information is to be managed based on the region affiliation (Dymetman, pg. 399-401 depending on the application the central server will have different rules and data to each point/region on each piece of intelligent paper).

Regarding **Claim 19**, Dymetman further teaches that for each of the regions stores particulars about an owner of the region (Dymetman, pg. 399-401 depending on

the application the central server will have different rules and data uniquely associated with each point of each piece of intelligent paper).

Regarding **Claim 20**, Dymetman further teaches that each of the regions stores rules for how information which is identified as belonging to the region is to be managed (Dymetman, pg. 399-401 depending on the application the central server will have different rules uniquely associated with each point of each piece of intelligent paper)).

Regarding **Claim 21**, Dymetman further teaches forwarding the information to a recipient (Dymetman, pg. 400 meeting agenda is forwarded to everyone who is part of the meeting including the meeting organizer).

Regarding **Claim 22**, Dymetman further teaches attaching a predetermined file with the information for the recipient, which file is determined by the region affiliation (Dymetman, pg. 400 meeting agenda is forwarded to everyone who is part of the meeting including the meeting organizer).

Regarding **Claim 23**, Dymetman further teaches storing the information in a location which is indicated by the region affiliation (Dymetman, pg. 400-401 information is stored to a specific location depending application which directly dependent on the region affiliation).

Regarding **Claim 24**, Dymetman further teaches processing the information in a way which is defined by the region affiliation (Dymetman, pg. 399-401 different applications and there by different region affiliation determine how information is processed by the central server).

Regarding **Claim 25**, Dymetman further teaches converting the received position into at least one character (Dymetman, pg. 401 many position are be interpreted as a character).

Regarding **Claim 45**, Dymetman teaches a method for managing information based upon position associated with a machine readable code (Dymetman, pg. 392-394) comprising:

recording information using at least one user unit, wherein the information includes at least one position on a two dimensional coordinate reference, further wherein the two dimensional coordinate reference represents physical positions in a unique and continuous manner, and represents a physical area which is incapable of being present in its entirety on any single surface (Dymetman, pg. 396-397 the intelligent paper represents physical position in a unique and continuous way, and the area which is represent is Europe which is incapable of being present in its entirety on any single surface);

sending the information to a central unit, wherein the central unit contains particulars about a plurality of regions, and further wherein each region represents an area on the two dimensional coordinate reference (Dymetman, pg. 392-394, 399-401);

identifying which region the at least one position belongs in response to the receipt of the information (Dymetman, pg. 397 unique identification number); and

managing the information based upon rules associated with the identified region, wherein different regions are associated with different rules (Dymetman pg. 399-401).

Regarding **Claim 46**, Dymetman further teaches that the machine readable code comprises a plurality of symbols, each symbol contributing to the coding of at least two unique positions on the two dimensional coordinate reference (Dymetman, pg. 396-397 unique coordinate positions are encoded using symbols).

Regarding **Claim 47**, Dymetman further teaches that each symbol comprises a nominal position and a mark (Dymetman, pg. 397 ID code and position code).

Regarding **Claim 48**, Dymetman further teaches that the mark is displaced from the nominal position (Dymetman, pg. 397 they are using different bits when means they are displaced from each other).

Regarding **Claim 49**, Dymetman further teaches storing particulars in the central unit which associated an owner with a region (Dymetman, pg. 397 unique identification number defines owner).

Regarding **Claim 50**, Dymetman further teaches forwarding information by the central unit to a recipient (Dymetman, pg. 400 forwarding of information to other users and back to oneself).

Regarding **Claim 51**, Dymetman further teaches storing the information in the central unit in a location specified by the rules (Dymetman, pg. 400-401).

Regarding **Claim 52**, Dymetman further teaches that the information includes a unique user identity associated with the user unit (Dymetman, pg. 397).

Regarding **Claim 53**, Dymetman teaches an apparatus for managing information based upon machine readable code associated with products which are not collocated

(Dymetman, pg. 392-397 unique user input devices not collocated with the server or each other), comprising:

at least one user unit configured to record information including at least one position described in a two dimensional coordinate reference, further wherein the two dimensional coordinate reference represents physical positions in a unique and continuous manner, and represents a physical area which is incapable of being present in its entirety on any single surface (Dymetman, pg. 396-397 the intelligent paper represents physical position in a unique and continuous way, and the area which is represented is Europe which is incapable of being present in its entirety on any single surface); and

a central unit, configured to receive the information from the at least one user unit, which identifies a region on the two dimensional coordinate reference based upon the at least one position, and manages the information based upon rules associated with the identified region, wherein different regions are associated with different rules (Dymetman, pg. 397-401 different rules for every point of the intelligent paper, and different rules for different regions as well for example different countries).

Regarding **Claim 54**, Dymetman teaches that the machine readable code comprises a plurality of symbols, each symbol contributing to the coding of at least two unique positions on the two dimensional coordinate reference (Dymetman, pg. 397 coordinates and many unique positions in a two dimensions).

Regarding **Claim 55**, Dymetman further teaches wherein each symbol comprises a nominal position and a mark (Dymetman, pg. 397 ID code and position code).



Regarding **Claim 56**, Dymetman further teaches that the mark is displaced from the nominal position (Dymetman, pg. 397 they are using different bits when means they are displaced from each other).

Regarding **Claim 57**, Dymetman further teaches that the central unit stores particulars which associate an owner with a region (Dymetman, pg. 397 unique identification number defines owner).

Regarding **Claim 58**, Dymetman further teaches that the central unit forwards information to a recipient (Dymetman, pg. 400 forwarding of information to other users and back to oneself).

Regarding **Claim 59**, Dymetman further teaches that the central unit stores the information in a location specified by the rules (Dymetman, pg. 400-401).

Regarding **Claim 60**, Dymetman further teaches that the user unit includes a unique user identifier in the information sent to the central unit (Dymetman, pg. 397).

### ***Response to Arguments***

Applicant's arguments with respect to claims 18-25 and 45-60 have been considered but are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

Claims 2-16, 61-63 are allowed.

The following is an examiner's statement of reasons for allowance:

**Claims 61** is allowed because prior art fails to teach "wherein *the* two dimensional coordinate reference represents physical positions in a unique and continuous manner" and "wherein *the position coding pattern* is incapable of being present in its entirety on any single base" Emphasis added. Prior art teaches a plurality of two dimensional coordinate references however they are not *a single continuous two dimensional coordinate reference* as claimed.

**Claims 2-16, 62 and 63**, depend either directly or indirectly from allowable claim 61, and are therefore allowed for the same reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ke Xiao whose telephone number is (571)272-7776. The examiner can normally be reached on Monday through Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ke Xiao/  
Examiner, Art Unit 2629

/Chanh Nguyen/  
Supervisory Patent Examiner, Art  
Unit 2629